

An Agency of the State of Hawaii

Stadium Authority Meeting 99-500 Salt Lake Boulevard Honolulu, Hawaii 96818 May 28, 2009

Members Present:

Kevin Chong Kee, Chairman

Kay Ahina

Kathryn Inouye

Alexander Kane, Jr.

Marcia Klompus

Kenneth Marcus

Nelson Oyadomari

Lawrence K. W. Tseu, DDS

Alan Tamayose

Staff Present:

Scott Chan

Lois Manin

Deborah Ishihara

Stephen Lee

Liane Nakagawa

Ming Tan

Andrew Chang

Shawn Nagata

Engel Garcia

Others:

Randall Nishiyama, Deputy Attorney General

Jim Donovan, UH Athletic Director

Davy Murayama, Centerplate

Roseann Chang, Centerplate

Dolores Barcelona, Centerplate

Samantha Spain, PCF Virtual

Krysti Peacock, PCF Virtual

Glen Higa, Aloha Sports Properties

Jerry Garcia, Swap Meet Vendors Assoc.

Ace Wesselmann, Empirical Entertainment

(See Exhibit A - Sign-in sheet)

I. CALL TO ORDER

A quorum being present, Chairman Kevin Chong Kee called the meeting to order at 10:05 A.M.

II. APPROVAL OF MINUTES – April 30, 2009 Public Meeting

Corrections were made by Member Ahina as follows: Page 4, second line from the top, added "a" before Special Fund; also Page 4, fourth line from the top, added the word "an" before account.

The following correction was made by Member Marcus: Page 4, fifth line from the top, after the word away, replaced "from" with "by."

ON A MOTION MADE BY MEMBER AHINA TO ACCEPT THE MINUTES OF THE APRIL 30, 2009 PUBLIC MEETING AND SECONDED BY MEMBER MARCUS, THE BOARD UNANIMOUSLY APPROVED THE MINUTES.

APPROVAL OF MINUTES – April 30, 2009 Executive Session

The following correction was made by Member Marcus: Page 2, second line on the first full paragraph, after the words "support it" replaced "if" with "unless."

ON A MOTION MADE BY MEMBER OYADOMARI TO ACCEPT THE MINUTES OF THE APRIL 30, 2009 EXECUTIVE SESSION AND SECONDED BY MEMBER TAMAYOSE, THE BOARD UNANIMOUSLY APPROVED THE MINUTES AS CORRECTED.

III. MONTHLY REPORT

A. Chairman's Report

- Chairman Chong Kee introduced Dr. Lawrence Tseu, as the newly appointed Stadium Authority member, who presented a brief background of himself.
- Senate Bill No. 382 (revising the make-up of the Board) died in joint conference.
- House Bill No. 200 on the State Budget; someone inserted a paragraph at the end of the session to have a full State audit of the Stadium.

B. Stadium Manager's Monthly Report (reports distributed)

Manager Chan stated reports by his staff were provided to the Board and they are present to answer any questions.

• Current events at the stadium: 1) 50th State Fair; 2) Graduations; 3) Swap Meet.

• The Swap Meet RFP bids were opened yesterday at 2:00 p.m. Deputy Manager Manin reported five bids were received and evaluations will begin on June 1, 2009.

• 2009 UH Football Season

Stadium Staff has met with UH Athletic Director Jim Donovan in preparation for the next season and agreed to implement a scanning system for the parking passes. The new process will:

- 1) Speed up the process in moving cars into the stadium through the reserved gates;
- 2) Provide better service for our guests;
- 3) Give an accurate count of stalls available:
- 4) Monitor and prevent duplication of passes;

Member Klompus inquired how will the public (with passes) be informed of which gates to enter the stadium. Manager Chan and Mr. Donovan explained it will clearly be noted on the passes, as well as notices from UH will be sent to the public.

• Letter to Neumann Shim dated May 26, 2009(distributed to the Board) – The letter responded to all of Mr. Shim's concerns with respect to Centerplate, with one exception which will be forwarded to him once we receive a response from the State Procurement office. Member Marcus stated it was a well-written letter.

Member Klompus inquired if this is part of the investigation process that Ms. Manin is conducting. Manager Chan said the investigation is a separate matter which will be discussed during the Swap Meet's monthly report.

Member Klompus inquired if the letter to Mr. Shim responded to questions asked by the vendors at the hearings. Manager Chan noted Comptroller Russ Saito will be responding. Ms. Klompus requested that he be reminded to present it at the June meeting.

Member Inouye inquired if Senator Fukunaga received the information that referenced her concerns. Manager Chan responded that the Senator and others that were copied on the letter are being kept fully informed on all issues to insure at next year's session they are aware of what has occurred during this past year.

Jerry Garcia, Swap Meet Vendor wanted confirmation that the response was sent to Mr. Shim. He was informed that the letter was mailed on May 26, 2009.

<u>C&C High Capacity Mass Transit Rail System</u> – This subject will be discussed later, as noted on the agenda.

<u>Evaluation Reports – Manager & Deputy Manager</u> The evaluation reports have been distributed to the Board for review.

Member Klompus and Member Inouye recommended that the Board review the reports and discuss them at the next meeting. Chairman Chong Kee stated it will be on next month's agenda.

Chairman Chong Kee called on Mr. Donovan who requested to comment on the evaluations:

Mr. Donovan stated he has been working with Aloha Stadium since September 1985 (with Managers Charlie Bessette, Bob Fishman, Ken Kiyabu, Eddie Hayashi and many staff members at the Stadium). He said, "The experience I have had in the last 14 months is the best experience over the last 25 years. I call it the three C's: Customer service, Communication and Cooperation. Being able to come down to the stadium and give a customer service speech to 800 employees (along with the Lt. Governor) before the season started, and actually walking around and see the effects of that training - things are happening here that never happened before. It is a real reflection on management and the Stadium Authority. As a primary tenant, I want to say thank you very much and want to put that on the table as the Board reviews their evaluations. I've got 25 yrs. of reflection and I can tell you it's never been better."

Member Klompus thanked Mr. Donovan and said it has been terrific to watch the stadium evolve into a user-friendly stadium. She said she could relate to what Mr. Donovan said because she goes back 25 years with the stadium and it's like a breath of fresh air. She feels it has a lot to do with the leadership, the team and the way everyone has joined together. Ms. Klompus reflected on what Mr. Donovan said "it makes all the time spent on the Board worthwhile and believes that Manager Chan has assembled a very proactive team to cater to tenants as he has done for UH. — there is a new attitude."

Field Turf

Member Ahina inquired about the status of the field turf. Manager Chan said it is unfortunate that plans for replacement of the field turf did not work out with the Hawaii Tourism Authority. The stadium will now seek other options, possibly through CIP funding as a public safety issue. The National Football League (NFL) has a small financial role in the turf replacement; as stipulated in their contract, the work needs to be completed before the 2011 season. Mr. Chan also noted the costs could be less if: 1) The project is determined to be a repair and maintenance issue; and 2) Not having to cover the entire field since the stadium no longer has baseball activities.

Chairman Chong Kee noted that if the turf can be reconditioned to meet the soccer standards (with plans for replacement the next year), perhaps the soccer group would reconsider returning to the stadium. Mr. Chan said every effort is being made to obtain new equipment to maintain the turf in order to bring in an international event.

Member Marcus inquired as to the type of turf required by the soccer group. Chairman Chong Kee responded the stadium's turf was too fast for soccer and they needed a thicker blade. Mr. Chan expressed the importance of conferring and satisfying the needs of all stadium clients (NFL, UH, Soccer) prior to completing the turf replacement.

Events Calendar

Member Klompus requested that the UH football schedule be added to the calendar. Mr. Chan noted there was a reason why Mr. Paki could not post it, but assured her he will follow up on her request.

C. Approval of Events

J Entertainment
 Beyonce Live in Concert
 September 26, 2009 (Saturday)

Ace Wesselmann of Empirical Entertainment was present to answer questions by the Board.

A MOTION WAS MADE BY MEMBER KANE AND SECONDED BY MEMBER AHINA TO APPROVE THE EVENT. THE MOTION WAS UNANIMOUSLY CARRIED.

D. UHAD Monthly Report

J. Donovan thanked management for the Spring Game which ran smoothly; he also expressed his appreciation for their assistance in keeping the costs down for UH.

It was released ESPN will pick up the Wisconsin game this year and presently they are on watch by ESPN for the Boise State and Fresno State games, and possibly the Navy game.

In 2010, UH will play USC on a Thursday night kick-off on ESPN.

Member Inouye inquired if there have been further discussions concerning Mr. Donovan's request (a couple of months ago) to offset some of UH's expenses at the regular season games. Mr. Chan confirmed talks are ongoing in an effort to cut back on manpower/labor costs to minimize out-of-pocket expenses In that regard, Member Oyadomari also noted a prominent news article concerning revenue sharing.

Mr. Donovan described the deficit UH is facing at the end of the fiscal year and said any type of financial relief from the stadium would be greatly appreciated and said the quickest for this upcoming season would likely be from out-of-pocket expenses. He will leave it up to management and the Authority to decide. With regard to the news article, in talking to the reporter, he was referring to some form of financial relief and does not care in what form it comes, but expressed the need for it now, rather than two years from now. There are some out-of-pocket expenses he would like management to perhaps eliminate, if possible, to provide them with some relief.

Member Marcus suggested that a committee be formed to sit down with Manager Chan, to: 1) Research and better understand UH's expense issues; 2) Assist/facilitate the discussions with UH; and 3) Return to the Board with recommendations.

Chairman Chong Kee suggested that the Board listen to the Administrative Rules report to be presented by Member Marcus, and thereafter make a decision on the above recommendation by Member Marcus.

Centerplate/Swap Meet Monthly Report (report distributed)

Report presented by Roseann Chang, Swap Meet Manager:

- April Monthly Attendance increased by .08%
- Paid Attendance increased by .05%
- Total Stall Sales decreased by 4.9%
- D,E,and F Rows Total Stall Sales decreased by 4.1%
- A,B and C Rows Total Stall Sales decreased by 8.6%
- Operations: A 30-day suspension was issued to a vendor in compliance with the 3-Strike Rule for parking in an unauthorized area.

Report presented by Samantha Spain and Krysti Peacock of PCF Virtual on marketing activities:

• Mother's Day Crafts' Fair (Aloha Zone), May 10, 2009; a total of 27 vendors (jewelry, soaps, herbal plants, etc.) participated and were provided with a 10-ft. x 10-ft. area in a tented area; approximately (est.) 100-200 customers visited the new area. The vendors expressed an interest in returning and suggested moving the fair to the marketplace (with the willingness to pay the higher \$75 vs. \$20 rate) to be exposed to a location with a greater flow of traffic.

Upcoming Events:

- June 6, 2009 Summer Kick-Off (Miniature Golf/Car Show); Bone Marrow Registry;
- July 25, 2009 Skateboard Competition;
- <u>Video Game Tournament</u> Discussions are taking place to have this event at the Swap Meet; it is something new to the islands at no cost to the Swap Meet;
- <u>Big Brothers/Big Sisters</u> PCF is having discussions to create a community event;
- <u>Back-to-School Drive</u> (August)—In discussions with KHON-2 to get involved with the Lokahi project and back-to-school activities;
- Reviewed their advertising and promotional strategies (including news media, radio, schools and the internet):

• Reviewed PCF's website update; including the rotation of 500 different photos of products offered at the Swap Meet; map quest; an informational home page; a market lay-out; application for Swap Meet stalls. Discussed plans for the website are to go live, for greater exposure.

Members Inouye and Klompus commented that all of these ideas were the wishes of the Board and commended PCF for bringing many of them to fruition to enhance the businesses at the Swap Meet.

Member Ahina inquired about: 1) Previous plans to connect with the Pearl Harbor tours; 2) Plans for a Farmer's Market. PCF said they are still in contact with VIP tours and are hopeful that the Swap Meet can be included in their tours. Ms. Chang and Manager Chan announced a meeting/tour is scheduled on Sunday, May 31, 2009 with an outer island representative and Dean Okimoto (Nalu Farms of Oahu) to discuss the possibilities of having a Farmer's Market.

Comments from Swap Meet Vendor

Member Oyadomari asked Jerry Garcia if he had any comments on the Crafts' Fair and the future plans for the Swap Meet. Mr. Garcia stated, "anything is good, because there hasn't been anything in the past and it's a step in the right direction. He said he is a little concerned about promoting the Swap Meet and would prefer to see ads appear in the Star Bulletin and Advertiser. PCF responded that they would also like to publish island-wide ads, but they must work within their budget; also, they are taking small steps to reach the people in the immediate area and are hopeful that attendance will increase as a result. Mr. Garcia repeated anything is better than nothing and their efforts are appreciated. Member Oyadomari asked Mr. Garcia if the vendors see the value in the Crafts' Fair. Mr. Garcia stated adding a soap vendor is more of a competition to the existing soap vendors that are already at the Swap Meet. PCF said the participants are paying an introductory rate of \$20 and it is a way for new and existing vendors to promote their specialty products and to increase the attendance (noted that existing vendors had first choice to locate in the tented area). Mr. Garcia stated the Vendors Association is also communicating with their vendors to get everyone on the same track. He repeated any news is good news and it's a step in the right direction. They too are making efforts with the vendors and know that everyone has to stay positive to make a difference."

E. Aloha Sports Properties – Update from General Manager Glen Higa on the progress of the Stadium's Advertising and Marketing Contract

Glen Higa reported:

- They are making good progress as they start up their company and as they talk to new and larger companies around Hawaii and even on the mainland about the advertising opportunities at Aloha Stadium. They have been in touch with over 50 companies in Hawaii and the feedback is that they like the new direction the Stadium is going and what it is offering; they are in contact with existing partners of UH; and will be meeting with John McNamara at UH next week.
- Their commitments are slower than they anticipated, but traditionally, their deals come together in June and July, where they experience positive movements;
- CBS is very appreciative of the efforts by the Stadium Authority and UH in bringing more events to the stadium it helps their sales efforts;
- He noted they are hit by the economy like everyone else, but are constantly communicating with their potential partners;
- They are planning a formal launch party to introduce CBS and to introduce themselves to the community;

IV. UNFINISHED BUSINESS

A. Aloha Stadium Administrative Rules – Discussion and action of current Administrative Rules and Fees changes for Aloha Stadium.

Member Marcus reported:

- Circulated the final mark up of the rule changes for review, covering what was discussed at the last meeting.
- Provided a clear statement concerning the areas in which the Board has given
 the manager discretion to enter into negotiations in various areas; manager
 will be required to take the negotiations back to the Board for final approval.
 He understood Manager Chan had concerns on this matter, in his effort to
 expedite events more rapidly, but the committee determined that it was more
 important that the Board exercised the discretion and responsibilities given to
 them to oversee matters relating to the stadium. In the appropriate
 circumstances the committee agreed it could call a special meeting when
 necessary;
- Changes dealing with concessions the selling of souvenirs will no longer be exclusive to the stadium. Prospective clients will now have the option to sell their own souvenirs if they wish.

• The committee feels we have a good package that will give us a great deal more latitude in dealing with the outside world and addressing some of UH's concerns, as an example. Mr. Nishiyama will now go over the actual changes.

Deputy Attorney General Randall Nishiyama walked the Board through the draft dated May 27, 2009 which reflects the changes that he and the Committee on Rents discussed.

(See Exhibit B – Proposed Amendments to the Stadium's Administrative Rules [Draft] June 15, 2009, Pages 2-16)

Mr. Nishiyama stated if the Board approves the proposed amendments, he will then work with staff to start the process.

- These rules would have to go out to public hearing for public comments. Depending on the nature of the comments, we would have to consider them. If the Board deems the comments significant, we may have to amend these proposals to accommodate the public's concerns. If not, the rules would essentially go in as drafted.
- The Attorney General's office would have to sign off. Since he has taken the comments of the committee, he would be signing off of his own work. He feels the rules are good and are ready for presentation to vote.
- The Comptroller will have to start the process on this. He will leave it up to the Board as to whether it wishes to pursue this matter further.

Member Klompus inquired when would the public hearing be scheduled. Mr. Nishiyama said there are a number of steps, and Comptroller Saito would have to start the process. Basically, the staff would have to make a request to the Comptroller to start the administrative rule-making process. In addition, the rules have to be reviewed by the Office of the Attorney General; the Small Business Committee; and by the Legislative Reference Bureau. It could take three months, but that is very optimistic. It could be done if everyone cooperates. If there are no changes, the rules can be adopted at the next meeting. Mr. Nishiyama stated the Board has the option to make changes if they don't agree with his formulation of the wording.

Member Tseu inquired who will make the final decision. Mr. Nishiyama said it would be the Board.

A MOTION WAS MADE BY MEMBER MARCUS AND SECONDED BY MEMBER KLOMPUS TO ASK DEPUTY ATTORNEY GENERAL RANDALL NISHIYAMA TO COMMENCE THE PUBLIC HEARING PROCESS, AS DESCRIBED, WITH RESPECT TO THE AMENDMENTS

TO OUR ADMINISTRATIVE RULES, THAT WERE DISCUSSED IN THIS MEETING. THE MOTION CARRIED UNANIMOUSLY.

Member Marcus also proposed that the Board form a committee to work with Manager Chan and the UH to reach a proposal to the Board as quickly as possible. This is with respect to responding to Mr. Donovan's concerns regarding the economics of UH's football games at the stadium, which can be done parallel to the rule changes.

Member Oyadomari inquired if a committee is formed now, would there be sufficient time to accomplish a change for the upcoming season which is what Mr. Donovan is requesting. Or, should we do a committee for future consideration, and act on recommendations at the next meeting.

Manager Chan confirmed he has had discussions with UH but nothing can be finalized until the rules are changed. We do not want to fall into a situation where we are without a signed contract throughout the season. We have been meeting with Mr. Donovan in an effort to work out a win-win situation for both sides.

Member Oyadomari suggested if Manager Chan and management can come up with some proposals for this season, it would be much faster and the Board could make a decision at the next meeting.

Member Marcus suggested a committee because it will save time as a group in evaluating the proposals; he said it will be an easier process for the Board to make decisions when the time comes.

Ms. Inouye said the rules committee had some creative ideas of how to structure a current deal with the UH which would work now rather than wait for the rule changes (that could take six months). Suggested it would be faster to review them now with the Manager and the management team.

Chairman Chong Kee suggested that Mr. Chan provide the information of his discussions with UH sometime next week with a committee and not wait for the next scheduled meeting.

Manager Chan recommended Member Tamayose to be on the committee for his accounting expertise. Chairman Chong Kee selected the committee members as follows: Members Marcus, Tseu, Inouye Klompus, and Tamayose.

Mr. Nishiyama stated, in an Investigative Committee, all you are doing is providing information and guidance, not negotiating. Also, if you go beyond

the scope of gathering information and you actually negotiate, then you are brought into the realm of the Sunshine Act problem issues.

Manager Chan stated he has had negotiating conversations with Mr. Donovan.

Member Marcus anticipates the committee will find creative solutions once they are apprised of what has taken place thus far between the Stadium and UH. It may turn out that Mr. Chan has already provided a plan that suits the UH and that would be the end of it.

Mr. Nishiyama confirmed that Mr. Donovan is allowed to meet with the committee, provided there are no negotiations and you are only gathering information.

Chairmain Chong Kee invited Mr. Nishiyama to also be part of the committee, which he accepted

Chairman Chong Kee asked Mr. Chan to present his information to the Board at the next meeting. Member Oyadomari asked if it was okay to bring it to a public meeting. Mr. Nishiyama said yes, and if there are any legality questions, the Board would then enter into an Executive Session.

It was explained by Mr. Nishiyama, recommendations from a committee require two meetings; but if Manager Chan brings his recommendations to the next meeting the Board can take independent action. Chairman Chong Kee stated he will post it on the agenda as "discussion and action."

Mr. Nishiyama stated under Rule S109.2 the Board has complete authorization over all operations of the stadium

B. Aloha Stadium Repair Work – Update from Comptroller Russ Saito on the Stadium Repair Work Project or any update involving Aloha Stadium.

Manager Chan provided a report on behalf of Comptroller Russ Saito.

<u>City & County of Honolulu High Capacity Transit Corridor Project</u> Scott conducted a power point presentation to the Board, showing the Board a revised route; that will not be going down Salt Lake Blvd.

Mr. Chan said this is the fourth informational project meeting that has taken place with representatives from the City & County of Honolulu and its consultants; Comptroller Russ Saito; Scott Chan; Ming Tan, Lois Manin; Chris Kinimaka, Bruce Bennett and others).

They proposed three options and it was decided collectively that Option 1 would be the best for the stadium. The purpose is to have a station located on stadium property – which the two other options did not offer.

Option 1:

- 1) Allows us to have more transit positions to address the high ridership occupancy that we need during major events (one of our main priorities);
- 2) It brought the station closer to our facility instead of further out. We recommended this route because it allowed us other options that we are looking at for the future:
 - Create an overpass for pedestrians so it doesn't impede the vehicular traffic;
 - The station on our side allows us to consider closing the west end of Salt Lake Blvd., perpendicular to Kamehameha Hwy. closes Salt Lake Blvd. and creates 2-way traffic on Assex Rd. to create one large lot and eliminates excess traffic lights (that slows down traffic during major events).

This will also affect a yearly contract between the Stadium and the Department of Transportation - Commercial Drivers Licensing (CDL) office. CDL has been informed.

- V. NEW BUSINESS Discussion and Appropriate Action
 - A. Stadium Manager and Deputy Manager Evaluation Reports for Fiscal Years 2007-2009.

At 1:10 P.M. MEMBER AHINA MADE A MOTION TO ENTER INTO EXECUTIVE SESSION TO CONSULT WITH COUNSEL ON MATTERS PERTAINING TO THE EVALUATIONS. MEMBER OYADOMARI SECONDED THE MOTION. THE MOTION WAS UNANIMOUSLY CARRIED.

The Board reconvened at 1:15 P.M.

- VI. NEXT MEETING June 25, 2009
- VII. ADJOURNMENT 1:15 P.M.

EVIN CHONG KEE

Chairman

Recorded by: Diana C. Ho

Approval date: June 25, 2009

PLEASE PRINT

Sign-In Sheet

VENI:	Stadium Au	thority Meeting		DATE OF EVEN	T: <u>May</u> 28,	2009	
	NAME ORGANIZATION		ATION	PHONE NO.	E-MAIL ADDRESS		
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1. Section 3-70-10, Hawaii Administrative Rules, is amended by amending subsection (a) to read as follows:

"\$3-70-10 Staffing and other charges. (a) The manager shall determine and furnish the staff necessary to operate the facility for an event. The cost of staffing, including but not limited to the cost of box office personnel, ushers, gate personnel, security personnel, electricity, clean-up, scoreboard operation, the public address announcer, and a licensed registered nurse on duty during the hours of an event, shall, subject to such limitations as determined by the manager and approved by the authority, be at the licensee's expense[7].

[in] In addition, the licensee shall reimburse the authority for all other expenditures made or incurred by the authority in connection with the event, plus an amount equal to ten per cent of the total of the foregoing costs and expenditures[-], subject to such limitations as determined by the manager and approved by the authority."

- 2. Section 3-70-11, Hawaii Administrative Rules, is amended to read as follows:
- "\$3-70-11 Rental charges, payment. (a) The authority establishes the following schedule of charges for the use of the stadium proper for each event or date:
 - (1) Hawaii high school and lower grade level events or activities - No rent shall be charged for school related events or activities;
 - (2) University of Hawaii intercollegiate <u>regular season</u>

 football the stadium authority shall have discretion
 to determine rent, provided, however, that the amount
 shall not exceed seven and one-half per cent of ticket
 receipts or \$10,000 per date, whichever is greater;
 - (3) Other college events where no admission charge is imposed, excluding professionally promoted college football games - \$500 per date;
 - (4) Professional and college football games professionally promoted by any person, partnership, corporation, or organization for profit \$10,000 per date, or ten per cent of ticket receipts per date, whichever is greater;

- (5) Post-season intercollegiate and collegiate all-star football games sponsored by any person, partnership, corporation, or organization of non-profit status ten per cent of ticket receipts or \$10,000 per date, whichever is greater, but not to exceed \$32,000 per date or such greater amount as may be determined by the authority. This amount shall not include reimbursement for out-of-pocket costs that may be imposed by section 3-70-10 nor any charge that may be imposed by the provisions as set forth in section 3-70-13.
- other [profit-making or fund-raising] sports events or other collegiate events where admission is charged and is not otherwise specified in these rules \$2,000 per date or ten per cent of ticket receipts per date, or if no tickets are sold, \$1 for each person attending the event per date, whichever is greater;
- (7) Concerts, rallies, conventions \$2,000 per date or ten per cent of ticket receipts per date, or if no tickets are sold, \$1 for each person attending the event per date, whichever is greater;

- (8) Receptions, parties \$[500]750 per date or ten per cent of ticket receipts, or if no tickets are sold, \$1 for each person attending the event per date, whichever is greater;
- (9) For purposes of filming or recording a commercial,

 [band practices,] and other activities involving

 short-term use of the stadium during the normal

 working hours of 7:30 a.m. through 3:30 p.m., Monday

 through Friday, excluding holidays \$[100]200 per

 hour, but not more than \$[500]1,000 per date. Out-of
 pocket expenses including field lights and overtime

 personnel costs shall be [reimbursed to the authority

 whenever applicable] charged to the licensee pursuant

 to section 3-70-10;
- (10) Notwithstanding paragraphs (6), (7), and (8), the rental charge for events sponsored by religious or charitable organizations for religious or charitable purposes where no admission is charged shall not exceed \$2,000 per date; and
- (11) All other events or activities \$[500]750 per date or such greater amount as may be determined by the authority.

- (b) The authority establishes the following schedule of charges for the use of the stadium parking lots:
 - (1) For the use of the Kam lot for carnivals, fairs, and similar events - \$1,250 per date;
 - (2) For purposes of filming or recording a commercial,

 [band-practices,] and other activities involving

 short-term use of the parking lot area during the

 normal working hours of 7:30 a.m. through 3:30 p.m.,

 Monday through Friday, excluding holidays \$[100]200

 per hour, but not more than \$[500]1,000 per date.

 Out-of-pocket expenses including parking lot lights

 and overtime personnel costs shall be [reimbursed to

 the authority whenever applicable] charged to the

 licensee pursuant to section 3-70-10; [and]
 - (3) For concerts \$2,500 per date or \$1 for each person attending the event per date as determined in the sole reasonable judgment of the manager or the manager's designee, whichever is greater;
 - (4) For Hawaii high school and lower grade level events or activities No rent shall be charged for school related events or activities; and

- $[\frac{(3)}{5}]$ For all other events or activities $$[\frac{500}{750}]$ per date or such greater amount as may be determined by the authority.
- (c) The use of any office, or other space or facility on the stadium premises may be rented upon the terms and conditions, and at the rental rates as may be determined by the authority.
- (d) The rates stated above are the basic or minimum rental rates for the use of the stadium. In addition, licensee shall pay for staffing and other out-of-pocket expenses and for any percentage charge imposed by section 3-70-10.
- (e) Unless arrangements satisfactory to the authority are made for the payment thereof, the amount of all charges due the authority by a licensee for the use of the stadium shall be deducted from the deposit and the gate receipts before any portion thereof is turned over to licensee.
- (f) Whenever there is a change in the rates or charges prescribed by this chapter, the new rates or charges shall apply to any event held or use made on or after the effective date of the new rates or charges.
- (g) The authority may waive rental charges in whole or in part for (i) the National Football League Pro Bowl Game or (ii)

in connection with an event or activity that is sponsored by an agency of government and for which no admission charge is made.

- (h) All moneys collected by the authority shall be deposited in the stadium special account in accordance with section 109-6, Hawaii Revised Statutes."
- 3. Section 3-70-14, Hawaii Administrative Rules, is amended by amending subsection (c) to read as follows:
- "(c) The authority's food and beverage concessionaire shall have the [exclusive] right to sell souvenirs, novelties, and other similar products, and at the discretion of the stadium manager the authority may impose a percentage charge on all consideration received by the food and beverage concessionaire."
- 4. Section 3-70-19, Hawaii Administrative Rules, is amended to read as follows:
- "\$3-70-19 Complementary admissions[+ admission to the swap meet]. [(a)] The number of authorized complementary admissions to be issued by a licensee to any event must be stated in the licensing agreement. Additional complementary admissions to the

event shall not be issued without the prior written approval of the manager.

[(b) Admission shall be charged to the swap meet any amount of \$1 per person age 12 and above, provided, however, that the authority may in its discretion waive the admission fee, in whole or in part, for up to fifteen days each year."]

- 5. Section 3-70-20, Hawaii Administrative Rules, is amended by amending subsection (a) to read as follows:
- "\$3-70-20 Parking rates, parking stalls. (a) Except as otherwise provided below, the authority establishes the following rates for the privilege of parking at the stadium for all events:
 - (1) \$5 per event per automobile for all events and shows except as provided in this subsection;
 - (2) \$[\frac{15}]25\$ per event per passenger bus, limousine, or truck, other than pickups, regardless of the number of persons carried in such bus, limousine, or truck;

 provided that the authority delegates to the manager

 the power to waive such parking charges at the

 manager's discretion for vehicles transporting groups

 of people attending an event where the athletes or

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performers at the event attend high school or lower grade levels, or where the vehicles are transporting groups of people from non-profit or charitable organizations;

- (3) \$[2]3 per event per automobile for all events and shows when the athletes or performers attend high school or lower grade levels; [and]
- (4) \$10 per event per automobile for professional sports

 events and concerts with admission charges, except for

 Hawaiian cultural and musical events;
- [(4)](5) The authority delegates to the manager the power to waive parking charges, at the manager's discretion, in connection with an event or activity where the estimated out-of-pocket expenses for parking exceed the estimated parking revenues; provided that the out-of-pocket parking expenses be at the licensee's expense; and
 - (6) The swap meet events held at the stadium shall be exempted from this subsection."

6. Section 3-70-20.01, Hawaii Administrative Rules, is amended to read as follows:

"3-70-20.01 <u>Traffic, parking, and tailgate rules.</u> (a) No person shall operate any vehicle on the stadium premises:

- (1) At a speed in excess of twenty-five miles per hour;
- (2) In a careless or negligent manner or in such manner as to endanger or injure persons or property;
- (3) In a direction other than as indicated by signs erected in designated for one-way traffic movement unless otherwise directed by an authorized official; or
- (4) While under the influence of intoxicating liquor or narcotic drugs.
- (b) Parking rules on the stadium premises:
- (1) Unless otherwise directed by the stadium parking personnel, no person shall park a vehicle in any of the following places:
 - (A) Wherever the curbings are painted red to indicate no parking;
 - (B) In marked pedestrian crosswalks and walkways;

- (C) On roadways and locations where a parked vehicle may constitute an obstruction, or a traffic hazard;
- (D) Places where official signs prohibit parking; and
- (E) Areas designated by stadium management as restricted areas;
- (2) No person shall park a vehicle on the roadway or in any area of the parking lot in such a manner as to block other vehicles, or to restrict the free movement of the vehicular traffic unless otherwise directed by an authorized official;
- (3) Parking is on the "first come, first park" basis and reserving parking stalls, or spaces shall be prohibited unless written authorization is obtained from the manager. Each vehicle shall be parked wholly within a designated stall in shall not straddle or occupy space of an adjoining stall; [and]
- (4) Vehicles parked in violation of this subsection may be towed off the premises at the expense of the vehicle owner or driver[-]; and
- (5) The following are prohibited:
 - (A) The use of pegs or stakes;

- (B) Recreational play (including, but not limited to ball playing, frisbee tossing, football tossing, bicycle riding, skateboarding, rollerblading);
- (C) Sponsorship or advertising banners or signs;
- (D) Animals, except service animals or as approved by the manager;
- (E) Concerts, public performances, contests, and live broadcasting without the prior approval of the manager;
- (F) Excessively loud music; and
- (G) Soliciting, hawking, selling, passing out
 literature handouts or giving away free items
 without the prior approval of the manager.
- (c) Pre-game and post-game tailgate party rules in the stadium parking lot:
 - [(1) To alleviate potential fire hazards, a hibachi or other cooking device shall be kept a safe distance from any fuel tank;
 - (2) Lit hibachi or other cooking device shall not be left unattended;
 - (3) Hot coals and other burning residues shall be doused and completely extinguished before they are disposed;

- (4) No person shall strew litter on the stadium premises;
- (5) Tailgate parties shall cease on or before the established curfew as designated by the manager; and thereupon all vehicles shall promptly vacate the stadium premises. Announcements of curfew shall be made on the public address system and the stadium electronic scoreboard.]
- (1) Cars, tables, chairs, barbecue pits, and tents must be confined to one stall. Groups may park contiguous to one another and share a tent or equipment traversing their vehicles and their stalls. However, there should be no empty stalls between their vehicles;
- (2) To alleviate potential fire hazards, a hibachi or other cooking device shall be kept a safe distance from any fuel tank;
- (3) Lit hibachi or other cooking device shall not be left unattended;
- (4) Hot coals and other burning residues shall be doused and completely extinguished before they are disposed;
- (5) No dumping of hot coals in the parking lot or in trash receptacles;

- (6) The owner should dispose of all tailgating material and refuse in a safe manner;
- (7) No tents and barbecues on the grassy (front lawn on the South end of the stadium) area and any pedestrian walkway; provided that the grass area between parking rows may be used for tailgating;
- (9) No person shall strew litter on the stadium premises; and
- (10) Tailgate parties shall cease on or before the

 established curfew (one hour after the end of the

 event) as designated by the manager, and thereupon all

 vehicles shall promptly vacate the stadium premises. "
- 7. Section 3-70-23, Hawaii Administrative Rules, is amended by amending subsection (a) to read as follows:
- "\$3-70-23 <u>Miscellaneous provisions</u>. (a) Except as permitted in writing by the manager, the following restrictions shall apply to all persons in the stadium proper:

- (1) No outside food or beverage shall be brought into the stadium proper;
- (2) No cat, dog, or other animal, except for a service

 animal, and no bicycle, motorcycle, or other vehicle

 shall be permitted into the stadium proper unless used

 in the exhibition conducted by the licensee and upon

 prior approval of the manager;
- (3) Demonstrations, sit-ins, and activities inconsistent with the purposes of an event shall be prohibited in the stadium;
- (4) Hand-held signs and banners are permissible in the stadium proper when they are safely constructed and displayed in such manner so as not to obstruct the view of spectators. Hand-held signs and banners are permissible in the red zone area directly in front of the stadium main box office, when they are safely constructed and displayed in such manner so as not to obstruct the ingress and egress of spectators, from the time the stadium parking lot is open to the public until thirty minutes after the scheduled starting time of the event. No signs or banner shall be affixed or secured in the stadium;